

ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JUNE 18, 2013

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Jon Honea, Commissioner Fran Fink, Commissioner Alix Driscoll, Commissioner Floyd Greenwood and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

11 Rindge Road

Staff Recommendation: Approve as Pos.26, Neg.3 and Neg.6.

Public Meeting on the Request for Determination of Applicability filed by Gina and Bob Chaves to determine if the abandonment of an existing septic system and construction of a replacement septic system within the 100 foot BVW is subject to the Massachusetts Wetland Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only for repair or replacement of a failing septic system. The property is located within the Haggetts Pond Watershed Protection Overlay District. Based on staff measurements, the system is greater than 50 feet, meeting the regulations under the WPA and Board of Health code. This does not require a 100 foot setback per DEP.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.26, Neg.3 and Neg.6, it was seconded by Commissioner Greenwood and unanimously approved.

10 Apple Blossom Road

Present in Interest: Arthur and Judith Astbury

Staff Recommendation: Approve as Neg.3 and Neg.6.

Public Meeting on the Request for Determination of Applicability filed by Arthur Astbury to determine if the proposed abandonment of an existing septic system and construction of a

replacement septic system within 100 feet of a resource area is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only for repair or replacement of a failing septic system. The plan provided is inadequate, however the homeowner has agreed to have the lot line surveyed with bounds prior to commencement of work. During staff site visit, it was found that the homeowner had been mowing about 7 feet into Conservation Land.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve as Neg.3 and Neg.6, it was seconded by Commissioner Honea and unanimously approved.

3 Torr Street

Present in Interest: Bill MacLeod, Doug Ahern, Joanna Hoople, Howard Hoople, and Arnold Dyer

Staff Recommendation: Continue to a date uncertain.

Public Meeting on the Request for Determination of Applicability filed by Jeffco, Inc., to determine if the proposed construction of a single family dwelling with appurtenant lot grading, driveway and utilities is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law for new construction and relocation of an existing historic barn off the lot prior to construction. The resource areas are not on the lot, but across the street. Staff recommends a delineation to be agreed upon in the field and not the use of Town Wetlands Maps for the project.

Bill MacLeod presented the plan and project to the Commission. The new house will have a walkout basement, part of the back lot will be leveled off and lawn, and the remainder will be shrubbery and mulch on the slope. He confirmed there is a pipe connecting the two off property wetlands, but it is an intermittent stream, as defined by the Commission in previous filings. Mr. MacLeod is concerned about flagging the wetland on an abutter's property.

Arnold Dyer, an abutter, is concerned how the runoff coming down Torr Street will affect the houses down gradient by the construction.

Joana Hoople questioned the possible removal of large, mature trees along the property line and replacement with conifers. Mr. MacLeod assured her the large, mature trees were not to be removed as shown on the plan.

Commissioner Fink suggested the driveway be made smaller to reduce runoff. She also questioned if the sewer could be connected through Phillips Street. Commissioner Fink asked that it be conditioned that the trees marked on the plan would not be cut and the lawn to stop at 128' contour.

Mr. MacLeod will advise staff if flagging of the wetland can be done and he will schedule site visit with the abutters.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

4 Marie Drive

Present in Interest: Tim Oriole

Staff Recommendation: Approve.

Public Meeting on the Request for Determination of Applicability filed by Vincent and Janet Ardizzone to determine if the proposed removal of a 14'x16' room and 14'x 16' deck and replace with a 14'x 27'6" addition and 13'8"x14' deck and fill to be put in the front yard is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The project is 93 feet from the BVW, with most of the work outside our jurisdiction. The project will not directly affect the resource areas. The applicant will install erosion controls. Staff to contact the Applicant to determine if they agree to install bounds at the edge of lawn as it currently exists.

Commissioner Fink inquired if a second floor was being added. If there is any additional work needed on the existing foundation, a new filing will need to be made.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

26 Brundrett Avenue

Staff Recommendation: Continue

Continued Public Meeting on the Request for Determination of Applicability filed by Alp Dibirdi to determine if the proposed installation of an above ground pool is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. There is no new information relative to the wetland or potential vernal pool. This is not a certified vernal pool, however it is a wetland. Mr. Dibirdi provided photos of the area for the Commission.

Commissioner Greenwood requested more information be provided as the pool could adversely affect the wetland. Commissioner Fink asked if the Applicant could build a retaining wall to contain the fill and stop it from entering the wetland.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to July 2, 2013, it was seconded by Commissioner Driscoll and unanimously approved.

29 Boutwell Road

Present in Interest: Maureen Hanley, John Boardman, Tony Pimental, Matt Pimental, Bob Stanford, Mary Ellen Dascoli and Sixing She

Staff Recommendation: Continue to a date uncertain.

Public Hearing on a Notice of Intent filed by John Pearson, Jr., Manager Belvidere Hill Group, LLC under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for proposed construction of a private roadway, drainage and utilities for 4 single family dwellings.

Mr. Douglas presented this to the Commission. The resource area for this site has been previously determined by an ORAD issued by DEP. The site is an upland knoll and surrounded by resource areas. The entire subdivision is within 75 feet of the BVW. No waivers have been requested.

Maureen Hanley presented the project to the Commission. She confirmed the filing is for drainage, roadway and utilities only. The houses will be filed separately at a later date. 300 feet of the roadway is within the 100 foot buffer. Catch basins will be installed as well as a detention basin. DEP has not issued any comments yet.

Commissioner Fink commented that the waterline is connecting to an abutting road through the wetland, however an easement is not established yet. Is there an alternative to connecting through the wetland? Commissioner Fink also requested the construction engineering design for the 8 foot concrete walled detention basin. She also requested the limit of work and erosion control be shown on the plan.

John Boardman stated that they are meeting with DPW and Planning to obtain their requirements and the connection may change.

Chairman Cooper also noted that non-disturb bounds should be shown on the plan and need to be agreed upon with staff on site.

Bob Stanford, an abutter, expressed his concerns regarding the drainage from the project. His backyard currently floods and there is a stream that enters his backyard. He is concerned with how the runoff will affect the stream.

Matt Pimental, a direct abutter to the project and the stream runs through his property. The stream disappears about 50 feet onto 29 Boutwell and then resurfaces on his property. He is concerned the construction will redirect the stream and affect the existing wetlands.

Mary Ellen Dascoli, an abutter expressed her concerns with the existing ponding in her backyard and trees dying due to the ponding.

Commissioner Porter requested a summary of the stormwater report and any changes in calculations be included.

A peer review will be done to address the drainage issues of the abutters. A site visit by the Commission will be scheduled with the peer reviewer. Site visit will be scheduled at next meeting on July 2, 2013.

The ANRAD fees under the local By-Law are required as rear of the lot needs to be delineated. These fees should be submitted when the work is applied for.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

18 River Road

Present in Interest: Steve Stapinski and Mike Courtney

Staff Recommendation: Close the Public Hearing

Public Hearing on a Notice of Intent filed by Mike Courtney under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed demolition of the existing single family home and construction of a new single family dwelling and septic system.

Mr. Douglas presented this to the Commission. This site has a valid ANRAD. The ANRAD issued is under the WPA only and payment under the local By-Law should be submitted once the filing is made under the By-Law. The site is surrounded on three sides by wetlands and intermittent streams. The project involves removing the single family home within the buffer zone and construction a new dwelling outside the 100 foot buffer zone to the wetlands. The driveway will be relocated outside the 25 foot no-disturb area. 25 foot no cut markers are to be shown on the plan.

Mr. Stapinski distributed revised plans to the Commission which were not reviewed. Mr. Stapinski presented the project to the Commission.

Commissioner Driscoll informed the Applicant that the abutters should be listed on the plan. Commissioner Fink noted the shed on the plan needs to be relocated outside the 50 foot no-build zone, as well as no-disturb bounds along 25 foot line and limit or proposed lawn be shown on plan.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to close the public hearing and issue the Order of Conditions on July 2, 2013, it was seconded by Commissioner Driscoll and unanimously approved.

289 River Road

Present in Interest: Steve Stapinski, Anthony Mesiti, Joe Giachetti, Judy Monarca, Cheryl Grieve and James Grieve

Staff Recommendation: Continue to date uncertain

Public Hearing on a Notice of Intent filed by Anthony Mesiti under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a roadway, infrastructure, site mitigation (removal of buried tires) in the buffer and construction of a wood plank walkway.

Mr. Douglas presented this to the Commission. The ANRAD has been issued for this lot. The ANRAD issued is under the WPA only and payment under the local By-Law should be submitted once the filing is made under the By-Law. The application is only for the roadway and infrastructure, the houses will be submitted separately. AVIS will receive a considerable amount of land along the River. Applicant will be removing buried tires within the buffer zone and staff is recommending allowing work within the wetland for the tire removal.

Mr. Stapinski presented the project to the Commission, which included the plank walkway within the wetland to access AVIS land. The road is a 450 foot road ending in a cul-de-sac coming in from River Road. Sewer will be brought down River Road and into the subdivision. Janet Bernardo is conducting the peer review for the Planning Board. Applicant requested the Commission to use Janet Bernardo to coordinate the peer review. The applicant has filed with Natural Heritage due to the crossing being with an endangered species area.

A site visit was scheduled for June 29, 2013 at 8:00am.

James Grieve, an abutter, informed the Commission that there is a brook on this property and the runoff into the Merrimack River.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain, it was seconded by Vice Chairman Walsh and unanimously approved.

81 Bellevue Road

Present in Interest: Andrew Caffrey and Gary Litchfield

Staff Recommendation: Close Public Hearing and issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed by Gary Litchfield, C&L Homes under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for proposed construction of a single family dwelling.

Chairman Cooper recused himself.

Agent Cleary presented this to the Commission. Revised plan and information required by Commission has been received.

Vice Chairman Walsh asked for a Motion. Commissioner Honea made a Motion to Close the Public Hearing and issue the Order of Conditions, it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

15 Greenwood Road

Issuance of a Satisfactory Completion of Work Certificate.

Minutes

Approval of Minutes from June 4, 2013 meeting.

Vice Chairman Walsh made a Motion to approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Foster's Pond

Present in Interest: Steve Cotton

Vote to approve annual Nuisance Vegetation Treatment at Foster's Pond.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Driscoll.

Fee Increase

Present in Interest: Keith Saxon

Vote to approve increase fee structure for legal advertising fees paid on behalf of the Applicant to the Town of Andover and increases in the fee structure under the Regulations adopted by the Andover Conservation Commission pursuant to the Town of Andover's General Bylaw for Wetland Protection, Section 4(6) Fees.

There has been an increase in legal advertising costs resulting in a shortage in the fees currently corrected.

Staff recommends increasing the fee structure under the Regulations be increased to match the state fees under the By-law. Commission agreed to cap at \$5,000.00.

Commissioner Greenwood made a Motion to Approve the increase in fees as presented, it was seconded by Commissioner Driscoll and unanimously approved.

Conservation Land Encroachments

Present in Interest: Keith Saxon

Review and discussion regarding land encroachment FAQ flyer. Commission will review and email any questions/comments.

LAND & PARC Grants

Signatures of Commissioners for LAND and PARC Grants.

The next meeting will be held July 2, 2013 at 7:45pm.

The meeting was adjourned at 10:13pm by Motion of Vice Chairman Walsh, seconded by Commissioner Honea, and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**